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10/063,148	03/26/2002	Tatsuya Anma	SIMTEK6327	2722
25776	7590	08/02/2004	EXAMINER	
ERNEST A. BEUTLER, ATTORNEY AT LAW 10 RUE MARSEILLE NEWPORT BEACH, CA 92660			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2834	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 6

Application Number: 10/063,148
Filing Date: March 26, 2002
Appellant(s): ANMA, TATSUYA

Anma, Tatsuya
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/23/04.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that "claims 1-3 stand or fall together and claims 5,7 and 8 will be argued separately.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

US-4,510,409	Kanayama	07-1998
US-6,512,316	Obara et al.	01-2003
US-5,587,617	Dunfield et al.	12-1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,7,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanayama.

Regarding claim 1, Kanayama discloses a rotor (8a and 8b) for a rotating electrical machine comprised of a cylindrical portion (outside rim of 8b as shown in Fig. 1) carrying a plurality of spaced permanent magnets, a hub portion (the inside cylindrical portion of 8b surrounds the shaft as shown in Fig. 1) adapted to be affixed to a rotatable shaft, an interconnecting disk shaped portion for interconnecting said cylindrical portion and said hub portions (Fig. 11), and a plurality of cooling openings (17) formed in said interconnecting disk shaped portion, said cooling openings being defined by inclined leading edges in the direction of rotation of said rotor for promoting a cooling flow axially through said interconnecting disk shaped portion (Fig. 1,11,14.)

Regarding claim 2, Kanayama also discloses a rotor for a rotating electrical machine wherein the cylindrical portion and the interconnecting disk shaped portion are integral with each other.

Regarding claim 3, Kanayama also discloses a rotor for a rotating electrical machine wherein the hub portion is integral with the cylindrical and interconnecting disk shaped portions.

Regarding claim 4, Kanayama also discloses a rotor for a rotating electrical machine wherein the interconnecting disk shaped portion extends radially inwardly from the cylindrical portion at one side thereof.

Regarding claim 7, Kanayama also discloses a rotor for a rotating electrical machine wherein the cooling openings occupy the major portion of the interconnecting disk shaped portion so that the remaining areas of said interconnecting disk shaped portion comprise spokes (because the aperture 17 is inclined with the angle approximately 45 degrees, the openings occupy the major portion of the interconnecting disk shaped portion as shown in Fig. 11).

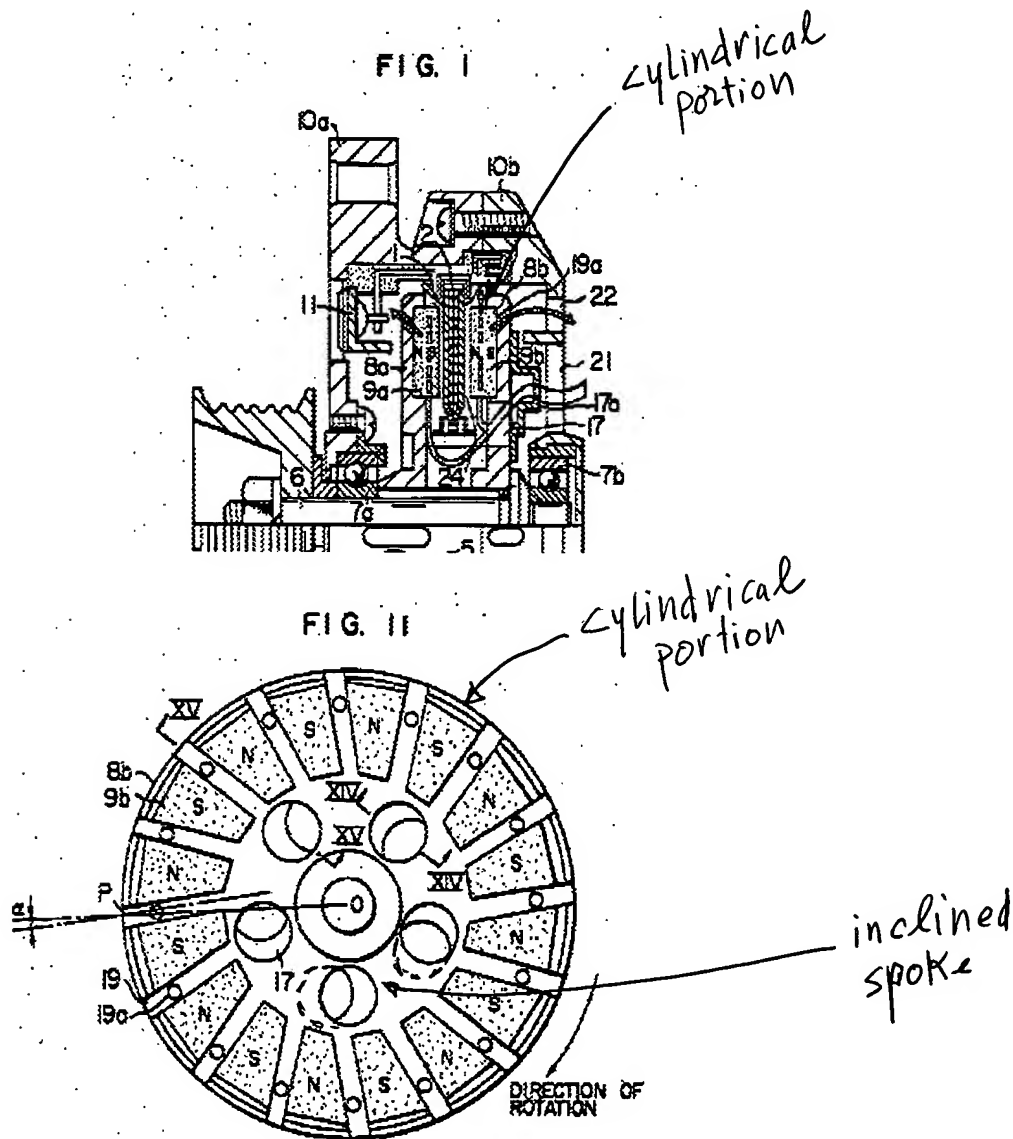
Regarding claim 8, Kanayama also discloses a rotor for a rotating electrical machine wherein one axial side of the spokes is inclined from one side thereof to the other side.

(11) Response to Argument

Regarding claim 1, Appellant's argument is on the ground that "there is a considerable differences on the machine configuration of Kanayama and the machine configuration of the present invention. Moreover, the present invention deals with the

strength and light weight requirements while Kanayama does nothing to reduce weight. Although in retrospect it might appear that the reference (Kanayama) teach the invention, that is not the ground of rejection before the Board". The Examiner respectfully disagrees with the Appellant. There are two kind of motor: radial motor and axial motor. In a radial motor, there is an air gap between the rotor and stator in radial direction as shown in Fig. 1 of the present invention or in Fig. 1 of US patent No. 6,512,316. In an axial motor, there is an air gap between the rotor and stator in axial direction as shown in Fig. 1 of Kanayama or in Fig. 1 of US patent No. 5,587,617 and the choice of either configuration (radial type or axial type) would be within the ordinary skill in the art. The Examiner acknowledges that there is a difference between the cooling hole structure of the present invention (with the ribs 37 as shown in Figs. 3-5) and the cooling hole structure of Kanayama (without ribs), and accordingly, claims 5,6 and 11, which specify this feature have been allowed. However, the cooling holes of Kanayama have the same function as the cooling holes of the present invention (cooling an electric machine) and **each and every limitation** of the claimed invention as recited in claim 1 is disclosed in Kanyama. However, the features that the Appellant relies on in their argument: "reducing the weight" or "the very specific type of machine claimed by the Appellant" are not necessarily recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the rejection is still deemed proper.

Appellant's arguments with respect to claim 4 is on the ground that "the reference doesn't have the cylindrical portion". However, the cylindrical portion of the rotor is clearly shown in Fig. 1 and Fig. 11 (please see markups). Therefore, the rejection is still deemed proper.



Regarding claim 7, the spoke of Kanayama is the portion between cooling holes 17 (please compare to the spoke 34 in Fig. 3 of the present invention).

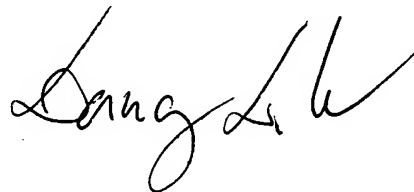
Regarding claim 8, Fig. 11 of Kanayama shows the spokes are formed so that "one axial side of the spoke is inclined from one side thereof to the other side".

For the above reasons, it is believed that the rejection should be sustained.

Respectfully submitted.

Hanh Nguyen Nguyen

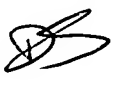


June 7, 2004



**DANG LE
PRIMARY EXAMINER**

Appeal Conference held on June 4, 2004

Panel Participants:

- Schuberg, Darren 
- Chaudhuri, Olik 
- Le, Dang 

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